

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

CORNELIUS O. HENDERSON,

Plaintiff,

VS.

CRAIG EARNEST, *et. al.*

Defendants.

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: **CASE NO. 1:13-CV-0035-WLS**
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ORDER

Plaintiff Cornelius Henderson, an inmate at the Seminole County Jail, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. After reviewing his allegations, the United States Magistrate Judge presumed that Plaintiff had erroneously filed an application for habeas relief under 28 U.S.C. § 2254 on a §1983 form complaint. Plaintiff was thus ordered to complete and file a standard § 2254 form application and submit either a \$5.00 filing fee or a certified copy of his prison trust account statement. Plaintiff later complied by filing a copy of his trust account statement, but instead of submitting a habeas petition, Plaintiff filed yet another §1983 complaint. Because Plaintiff is proceeding *pro se* and did attempt to comply with the prior Order, the Magistrate Judge gave him another opportunity and again ordered Plaintiff to file the correct form.

Plaintiff failed to respond to this second order within the time allotted, and the United States Magistrate Judge thus entered a third order, dated May 29, 2013, (ECF No. 11) requiring Plaintiff to respond and show cause why his lawsuit should not be dismissed for failure to comply. The time for responding to the Order to Show Cause has now passed, and Plaintiff has again failed to respond.

This failure comes as no surprise, however; the last two orders mailed to Plaintiff were returned to the Court as undeliverable (See ECF No. 10 and 12). Plaintiff is apparently no longer confined at the Seminole County Jail and no longer interested in prosecuting this case. For this reason and because of Plaintiff's failure to comply with the Court's instructions, Plaintiff's Complaint is **DISMISSED** *without prejudice*.

Though it may be futile, in the absence of any address change by Plaintiff, the Clerk shall send this Order along with copies of the orders previously returned as undeliverable to the only address on record. Plaintiff is charged with the duty of keeping the Court apprised of any change in his address. The undersigned is neither inclined nor required to track down Plaintiff's current place of confinement.

SO ORDERED this 16th day of July, 2013

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT